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SUBJECT: KAZAKHSTAN: DEMOCRATIZATION COMMISSION COMPLETES ITS WORK

REF: A) 06 Astana 22, B) 06 Astana 27, C) Astana 48

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11. (SBU) Summary: During the final meeting of Kazakhstan's Democratization Commission on February 19, President Nursultan Nazarbayev accepted many of the democratic reform proposals put forward by the Commission's five working groups and announced the formation of a new working group designed to mold these proposals into specific legislation. Nazarbayev did not make a clear commitment to any specific reform, but signaled that Kazakhstan should transfer additional power to the parliament while still maintaining a strong presidential system. In addition, he indicated support for increasing the size of the Senate, strengthening the role of political parties in elections, and providing state support for political parties which gain over 5% of the popular vote in parliamentary elections. On February 21, President Nazarbayev chaired the first meeting of the working group, which is expected to finish its work in three to four months. End summary.

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THE DIRECTION OF REFORMS TO COME  
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12. (SBU) On February 19, President Nazarbayev chaired the final meeting of Kazakhstan's Democratization Commission ("Commission"), created amid much fanfare in March 2006 (Refs A, B, C). At the meeting, the president accepted many of the democratic reform proposals produced by the various working groups of the Commission and announced the formation of yet another working group designed to mold these proposals into specific legislation. The president did not make a clear commitment to any specific reform, but offered several possibilities and signaled the direction that the working group should take as it drafted specific legislation and constitutional amendments.

13. (U) The president made it clear that Kazakhstan's fundamental constitutional arrangement should not change, and that "everyone agrees" that Kazakhstan should remain a presidential republic with a strong president. Nevertheless, he declared that parliamentary powers should be increased. Specifically, he proposed that the Mazhilis (lower house of parliament) should approve the Prime Minister, and should be responsible for the formation of the Constitutional Council (which interprets the Kazakhstani Constitution) and the Central Election Commission. In addition, he proposed that the Mazhilis should bear full responsibility for budget issues, including the formation of the committee charged with the annual audit of expenditures.

14. (U) President Nazarbayev also welcomed the idea of increasing the size of the Senate. (Note: The Senate is the upper house of parliament, and currently consists of 39 members; seven are appointed directly by the president, and 32 are selected through indirect elections at the oblast [regional] level. End note.) He indicated support for appointing additional senators from the ranks of the People's Assembly of Kazakhstan, a presidentially-selected advisory body with members representing all of the various ethnic groups in Kazakhstan.

15. (U) President Nazarbayev explicitly rejected the idea of increasing the size of the Mazhilis. Nevertheless, he supported a number of electoral reforms which would impact the Mazhilis, including a proposal to strengthen the role of political parties in the parliamentary election process by increasing the number of Mazhilis deputies elected through a party-list system. (Note: Currently, 10 out of the 77 members of the Mazhilis are elected through a party-list system, with the remainder elected from single-mandate districts. End note.) Furthermore, he expressed support for public financing of political parties which receive over 5% of the popular vote during parliamentary elections.

16. (U) The president also expressed support for judicial reform and modernizing Kazakhstan's judicial system. However, he did not elaborate on specific reform proposals in this sphere, other than to note that removing the authority of procurators to issue arrest warrants was overdue.

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THE NEW WORKING GROUP  
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17. (U) At the final Commission meeting, President Nazarbayev announced the formation of a new working group designed to mold these proposals into specific legislation and constitutional amendments. The president is chairman of the working group, and chaired the first meeting on February 21. Igor Rogov, chairman of

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the Constitutional Council, was appointed deputy chairman. According to media reports, the remaining members consist of government officials, parliamentarians, and academics. Rogov stated that the working group began discussing many of the proposals that the president supported at the final Commission meeting, and that the group plans to finish its work in three or four months.

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EARLY REACTION FROM THE OPPOSITION  
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18. (U) The final Commission meeting was held with little advance notice and little fanfare. The media reported that several Commission members, including opposition leader Zharmakhan Tuyakbay and presidential daughter/Mazhilis deputy Dariga Nazarbayeva, were unable to fly to Astana for the meeting due to poor weather conditions. (Note: Although Tuyakbay had previously refused to participate in the Commission, citing concerns such as its pro-government composition, he agreed to participate after his party was registered. End note.)

19. (U) Tuyakbay's National Social Democratic Party and the True Ak Zhol party issued a joint statement describing the potential reforms as overly cautious but positive, and noting that many of them stem from previous proposals by the democratic opposition. The two parties called on Nazarbayev and his majority Nur-Otan Party to pass reforms before the maslikhat (local legislative bodies) elections this year. The parties stated that the president could prove the sincerity of his interest in political reform by passing legislation to guarantee access to true information about developments in the country (by de-monopolizing the television market), protect the freedom of assembly, and guarantee the right to vote and run for office.

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COMMENT  
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¶10. (SBU) Comment: President Nazarbayev's comments on the work of the Democratization Commission provide an encouraging indication of the direction of future political reforms. It will not be possible to fully evaluate the significance of these proposals until they crystallize into actual legislation and constitutional amendments, however. President Nazarbayev did not discuss key issues such as the absence of free and fair elections, difficulties in registering political parties, and restrictions on freedom of speech and assembly. It remains to be seen whether the working group will address these crucial issues in addition to the tasks that Nazarbayev laid out. On the bright side, President Nazarbayev's timetable for implementing reforms is much more ambitious than previously expected, with both legislative and constitutional changes under consideration by the new working group. Previously, the government planned to phase in the reforms over several years, with the constitutional changes slated for 2009-2011. Nazarbayev's desire to accelerate the pace is a welcome development, provided that the process allows for real dialogue and outside input. End comment.

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